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No.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1997

CORNELL D.M. JUDGE CORNISH,

Petitioner,

v.

COURT OF APPEALS OF MARYLAND

and

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND,

Respondents.

On Petition For A Writ of Certiorari To The Court of Appeals of Maryland

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PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether a state can invoke the full faith and credit command to effectively permanently bar an unconditionally inactive attorney from testifying in his own behalf in his correct name in a reinstatement proceeding in that state to keep his famous trademark from becoming abandoned by mistaken identity.

2. Whether the 14th, 13th, 8th, 7th, 6th, 5th, 4th and 1st Amendments and the ex post facto clause preclude a first state from irrationally invoking the full faith and credit command to retify false statements by mistaken identity to avoid being put to their proof when an attorney names his abandoned name in a petition for voluntary, unconditional inactivity of that name, whereby they permanently subject him to the cruel and unusual punishment of prior restraint of his intellectual property and good name and involuntary servitude and professional banishment without a hearing in reckless disregard of the truth by refusing to allow him to testify in a reinstatement proceeding based upon an irrational reciprocal order in the District of Columbia that suspends him for a non-existent disability in his common law trademark name, which upon proof of no other fact irrationally exposes him to conviction and punishment for registering or publishing his intellectual property, likeness and good name in his famous trademark for the practice of law under Article I, Section 8, Public Law 104-98 and Md. Ann. Code BOP 10-602 in the first state?

LIST OF PARTIES

The petitioner is a patent, trademark and copyright attorney whose intellectual property includes his likeness, and good will in connection with his famous common law mark Cornell D.M. Judge Cornish for legal services. The respondents are the Court of Appeals of Maryland and the Attorney Grievance Commission of Maryland.

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ORDERS BELOW

The orders of the Court of Appeals of Maryland and the District of Columbia are reprinted in the Appendix at 1a, 1b, 1c and 1d (D.C. rehearing denied, Appendix 1e.) The order of this Court denying certiorari of the D.C. order and rehearing are reprinted in appendixes 1f and 1g. The orders of the U.S. Tax Court and the District Court for the Southern District of New York are reprinted in the Appendix at 2a and 2b.

The order changing petitioner's name are reprinted in Appendices 7a and 7b.

REASONS FOR GRANTING WRIT AND STAGE WHEN FEDERAL QUESTIONS RAISED

Baker v. General Motors Corp., ____ U.S. ____ (1998) No. 96-653 held that full faith and credit need not be given to a state's determination that it had no power to make, i.e., a court order that a witness' testimony shall be permanently barred by full faith and credit. This is in conflict with the Maryland Order of December 15, 1997, which gave full faith and credit to a District of Columbia order, whereby the Maryland Court prohibited an attorney's appearance and testimony under his correct name and common law trademark in a reinstatement proceeding instituted by that attorney in Maryland under the Maryland Rules. This is the issue raised here.

STATEMENT OF JURISDICTION

The Maryland Order denying the petitioner 's petition for reinstatement was dated December 15, 1997 (Appendix 1a), the District of Columbia Court of Appeals order relied on was dated March 27, 1997 (Appendix 1b), and this petition was filed within ninety days of the December 15, 1997 Maryland Order. This Court has jurisdiction to review the judgment of the Maryland Court of Appeals and state and federal court orders in conflict with decision of this court and the Maryland Order pursuant to 28 U.S.C. §§ 1254, 1257(2) and (3), 2104, 2403(b) and 1331.

CONSTITUTIONAL PROVISIONS INVOLVED

Full Faith and Credit Command provides:

> "Full Faith and Credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." U.S. Const., Art. IV, § 1.

Pursuant to that Clause, Congress has prescribed:

> "Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken." 28 U.S.C. § 1738. *Baker v. General Motors Corp.*, ____ U.S. ____ (Jan. 13, 1998) No. 96-653.[1]

The First Amendment's petition, speech and religion clauses provide in relevant part that

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; . . .and to petition the Government for a redress of grievances."

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[1] In conflict with the Maryland and D.C. Courts, the Supreme Court of the State of New York, Appellate Division: Second Judicial Department is still considering reciprocal action under § 691.3 from the Maryland and D.C. Orders and a reciprocal April 3, 1996 Order of the United States District Court for the Southern District of New York suspending Cornell D.M. Judge Cornish without a hearing until such time as he is reinstated to practice in the state of Maryland (Appendix 2b). Also on April 16, 1996 (Appendix 2c) the U.S. Tax Court discharged reciprocal discipline from the conflicting Maryland Orders of December 4, 1995 and February 7, 1996 (Appendices 1a, 1b), and reciprocal D.C. and Southern District of New York District Court Orders (Appendix 2b).

The 14th Amendment's Due Process and Equal Protection Clauses provide in relevant part that

> "No State shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Amendment 4 requires probable cause for seizure.

Amendment 5 requires just compensation for taking for public use, and prevents compelled testimony in criminal case.

Amendment 6 provides for a speedy criminal trial.

Amendment 7 provides for a civil jury trial.

Amendment 8 provides freedom from cruel and unusual punishment.

Amendment 13 provides:

> "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Article I, § 8, provides in relevant part that the Congress shall have power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries. See Pub. Law 98-622, *Parker v. Chakabarty*, 477 U.S. 303 (1980); and *Sperry v. State of Florida*, 373 U.S. 379.

Article I, Sec. 10 prohibits ex post facto laws (i.e., BPO 10-602).

STATUTORY PROVISIONS INVOLVED

Public Law 104-98 provides in relevant part that:

> "The owner of a famous mark shall be entitled . . . to an injunction against another person's commercial use

> in commerce of a mark or trade name, if such use . . . causes dilution of the distinctive quality of the mark, and to obtain such other relief as is provided. . . . The term 'dilution' means the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless or the presence or absence of competition . . . , or likelihood of confusion, mistake or deception."

Md. Ann. Code, BOP 10-602 prohibits the representation or description of legal services unless authorized by law.

RULES INVOLVED

37 C.F.R. § 10.6 provides for registration of attorney who fulfills the requirements for registration as a patent attorney. *37 C.F.R. § 10.40(1)* provides for withdrawal from employment if the attorney knows that client is insisting on a course of conduct that is illegal or prohibited; and § *1.56* requires a duty of disclosure. *37 C.F.R. § 1.51(2)* relates to provisional applications. (See 35 U.S.C.A.)

Maryland Rule 16-701(i) provides that "Incompetent" means unable to render adequate legal service by reason of mental or physical illness or infirmity, or addiction to or dependence upon an intoxicant or drug.[2]

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[2] Rule 16-706 provides that: Unless a complaint is dismissed or an Inquiry panel proceeding has been dispensed with pursuant to Rule 16-706, the Bar Counsel shall refer the complaint to an Inquiry Panel . . . b1. An Inquiry Panel proceeding is not required in a case where . . . (a) Both the attorney complained against and the Bar Counsel waive an Inquiry discipline is warranted, he shall forward his recommendation and the file relating to the complaint to the Review Board for consideration pursuant to Rule 16-707. The Review Board shall permit oral argument upon the request of either the attorney or Bar Counsel. And Rule 16-714 allows a petition for reinstatement in the case of "inactive status."

STATEMENT OF THE CASE

Whether the 14th, 13th, 8th, 7th, 6th, 5th, 4th and 1st Amendment and the ex post facto clause preclude a first state from irrationally invoking the full faith and credit command to ratify false statements by mistaken identity of the truth to avoid being put to their proof when an attorney names his abandoned name in a petition for voluntary unconditioned inactivity of that name, whereby they permanently subject him to the cruel and unusual punishment of prior restraint of his intellectual property and good name and involuntary servitude and professional banishment without a hearing in reckless disregard of the truth by refusing to allow him to testify in a reinstatement proceeding based upon an irrational reciprocal order in the District of Columbia that suspends him for a non-existent disability in his common law trademark name, which upon proof of no other fact irrationally exposes him to conviction and punishment for registering or publishing his intellectual property, likeness and good will in his famous trademark for the practice of law under Article 1, Section 8, Public Law 104-98 and 98-622, and Md. Ann. Code, BOP 10-602 in the first state. *Baker v. General Motors Corp.*, ____ U.S. ____ (1998) No. 96-653; *Kalina v. Fletcher*, ____ U.S. ____ (Dec. 10, 1997) No. 96-792; and *LaChance v. Erickson, et al.*, ____ U.S. ____ (Jan. 21, 1998) No. 96-1395. *Plummer v. Northern Pac. Ry. Co., 152 F. 206 (1907); Beasil v. Stae of Ohio, 269 U.S. 167 (1925).*

DIRECT CONCISE ARGUMENT AMPLIFYING REASONS RELIED ON FOR ALLOWANCE OF WRIT

In *LaChance, ibid*, it was undisputed that government employees have a protected property interest in their employment, 89 F.3d at 1581, and it is undisputed in this case that the petitioner has such a property interest in his intellectual property, likeness, good will, and name in his famous common law trademark for legal services, and to have that mark registered by the Secretary of State of Maryland, the U.S. Patent and Trademark Office, and on the rolls of attorneys in its correct form without dilution under *Public Law 104-98*. He also has a property right to publish his mark for legal

services without prior restraint, banishment, cruel and unusual punishment or seizure of his property without just compensation, and to become inactive without conditions or dilution in his correct name under the 1st, 5th, 13th and 14th Amendments and Public Law 104-98.[3]

The core of due process is the right to notice and a meaningful opportunity to be heard. *Cleveland Bd. of Ed. v. Loudermill*, 470 U.S. 532, 542 (1985). On the basis of both precedent and principle, a "meaningful opportunity to be heard" includes a right to make *true* statements, to give testimony and to put the state to its proof upon adequate notice concerning his name and their burden of proof as to why he should be punished for naming his abandoned name in a confidential petition and petitioning to testify in a reinstatement proceeding under his correct, famous, common law trademark name. In *LaChance, ibid*, the issue was the making of *false* statements. However, there is a right to remain silent as in *In Re O'Brien*, 665 A.2d 493 (D.C. 1985); and *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976). In this case, there is a right to appear and testify under his famous mark. Also there is a right under Rule 16-707 to receive notice of the decision of the Review Board to dismiss the complaint or remanding it for a hearing before the Inquiry Panel appointed on November 9, 1995 (Appendis 3a) under Maryland Rule 16-706, or, in the case of inactivity under Maryland Rule 16-714, as in this case, to petition for reinstatement. However, the attempt to save Rule 16-714 from this unconsitutional deprivation of the petitioner's civil rights by the use of the full faith and credit command is itself unconstitutional because this allows Rule 16-706 effectively permanently to destroy any right of notice and meaningful opportunity to be heard, and it unconstitutionally deprives the petitioner of due process, equal protection of the law, and the right to just compensation for the seizing of his property without due process or probable cause in violation of his civil rights, including the imposition of the cruel and unusual punishment of involuntary ser-

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[3] Petitioner has been a registered patent attorney since 1959 under Registration No. 19,240 as provided for by 37 C.F.R. § 10.6, and for filing provisional applications under 37 C.F.R. § 1.51(2).

itude by banishment from publishing and registering his correct name and famous trademark on the register of attorneys in Maryland, with the Secretary of State of Maryland, and in directories under the First Amendment in violation of the ex post facto clause. The deprivation of civil rights is against the case law in Maryland for non-slaves and even for slaves who were prohibited from being banished when their civil rights were violated. See *Widgeon v. Eastern Shore Hosp. Center*, 300 Md. 520, 479 A.2d 921 (1984); *Cornish v. State*, 15 Md. 208 (1860); and *Watkins v. State*, 14 Md. 412 (1859).

No reason was given for the December 15, 1997 order (Appendix 1a).

In accordance with the Order of December 4, 1995 (Appendix 1c), there was no condition on reinstatement or any meaningful opportunity to be heard as to why he should not be reinstated on facts showing that he is entitled to the relief sought, i.e., correction of his name. In this case, the State can rehabilitate his name that they have permanently disabled, but they refuse to do so.

The relief sought is reinstatement by rehabilitation of his correct name so that he is not irrationally prevented from testifying by mistaken identity as to a disability of alcoholism. Mistaken identity was at the root of both Maryland Orders of December 4, 1995 (Appendix 1c) and February 7, 1996 (Appendix 1d), and the reciprocal D.C. Order of March 27, 1997 (Appendix 1b), which cured the disability of the wrong name but continued the mistaken identity as to an imaginary disability of alcoholism. Thus, the December 4, 1995 Order of unconditioned inactivity has been irrationally converted by the full faith and credit command into a manufactured consent to an unconditioned inactivity for a disability that doesn't exist and has been repeatedly denied, renounced and repudiated by Petitioner. It also permanently gags him by prior restraint, and targets him for the involuntary servitude of banishment from the practice of law under an abandoned name whenever he petitions to testify in a reinstatement proceeding, based upon a misplaced reciprocal suspension in another state (Appendix 1b) for an unknown disability in another name corresponding to his famous trademark, which upon proof of no other fact irra-

tionally exposes him to conviction and cruel and unusual punishment by barring his testimony for asking to testify, or for registering his famous trademark for the practice of law under Article 1, Section 8, and Public Law 104-98 or publishing the same in the first state.

In this case, the exercise of the right to testify truthfully and to do so under his correct name in a proceeding for reinstatement was not only inhibited, but it was effectively permanently ***prohibited*** by twice refusing the same in the Order of February 7, 1996 and December 15, 1997 (Appendices 1d and 1a) based upon the D.C. Order of March 27, 1997 (Appendix 1b). Upon proof of no other fact, this full faith and credit command is, thus, used irrationally to expose the petitioner to conviction and punishment of a permanent disbarment without a hearing, and under Maryland Ann. Code, BPO 10-602, for truthfully registering his famous common law trademark for the practice of law under Article 1, Section 8 and Public Law 104-98, with the Secretary of State of Maryland and the U.S.Patent and Trademark Office, and publishing the same in Bar Association Directories.

And this deprivation is aggravated by false and misleading statements with malice or reckless disregard of the truth by Bar Counsel with unclean hands and/or inequitable conduct. See *Kalina v. Fletcher*, ____ U.S. ____ (1997) No. 96-792, which suggests that a prosecutor may be subject to damages for making false statement of fact in an affidavit. Compare *Brogan v. United States*, ____ U.S. ____ (1997) No. 96-1579 which suggests criminal liability for the mere denial of wrongdoing. See also *Oubre v. Entergy Operations, Inc.*, ____ U.S. ____ (1997) No. 96-1291, which suggests that an individual may not waive a claim unless the waiver is knowing and voluntary. See also *Fuentes v. Shevin*, 407 U.S. 67 (1992).

FACTUAL STATEMENT

A Memorandum of November 9, 1995, was obtained in a search of any records concerning the petitioner, including BC Docket No. 83-175-005, the files of which could not be located after an official search. According to the records that were obtained, how-

ever, Bar Counsel was reported on October 11, 1995 to have said that, "It appears to me that the Respondent needs to be heard to determine whether he is competent as defined by Maryland Rule BV1 (now Rule 16-701(i)) by reason of addiction to alcohol. . ." His Memorandum of October 12, 1995 records his referral of Respondent to an alcohol counselor in view of his "admitted alcohol problem."[4]

Bar Counsel's October 18, 1995 Memorandum is referred to as evidence that Bar Counsel was well aware of the Respondent's successful rehabilitation from the effect of heart surgery in 1982. That heart surgery in 1982 led to the Respondent's rehabilitation, which led to his high quality life style substantially free from doctor's visits and medicine, except for prophylactic stress tests, a faithful program of exercise, diet, anonymous study of the effects of alcohol in the world at large by members of Al-Anon, and a baby aspirin every other day, much like the life style admitted by sitting judges on the Court of Appeals of Maryland.

On October 17, 1995, Bar Counsel proposed a voluntary Order of unconditioned inactivity, which he described as merely a joint Peti-

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[4] The Respondent wanted a hearing to explain the "effects" of alcohol on competent attorneys and their clients, including his own attorneys and clients, who are impacted by sobriety or alcoholism in others, e.g., when an attorney/inventor refuses to disobey the requirement of 37 C.F.R. § 10.40(1) and § 1.56, so as not to "enable" one to file a false statement in connection with a provisional patent application regarding an unpatentable "idea" without any reduction to practice, and contrary to statutory bars because of prior art relevant thereto, including, inter alia, U.S. Patent 3,631,450 and European Patent EP-196-706A. Such impact affects the administration of justice, as well as his own high quality, drug and alcohol-free life style due to faithful adherence to a sensible regimen against the cunning, baffling and powerful effects of alcohol, especially the well-known and well-documented *effects* of alcohol on SAD and MAD Students and Mothers Against Drunk Drivers, who fight the valiant fight against the cruel but cunning, baffling and powerful effects on drunk drivers who continue to drive when drunk, and their attorneys like the undersigned, who fight the battle anonymously by their support for and in connection with Al-Anon.

ion for Inactive status, not in any way a consent to be pernamently banished without a hearing.[5]

On October 30, 1995, as noted in the Memorandum of October 31, 1995, Bar Counsel again suggested Respondent's voluntary "consent" to inactive status, stating that he was not so much concerned with the complaint but with his [mistaken] belief in the physical condition and ability of the respondent to practice because of the [second and third order, indirect] "effects" of alcohol on him, [or the fourth and fifth order "effects" on his clients]. In any event, he noted that he left his conversation with the Respondent that if a voluntary "consent" is not signed and if there is an inquiry panel *appointed* he may or may not agree to sit down with Respondent and his counsel and the Complainant but that he would be happy to do so at any rate if the Respondent "goes on inactive status" without putting any conditions on how that inactivity would be achieved, without any need for an agreement as to the effects of any such voluntary, unconditionally inactivity or any conditions as to the implications of any such unconditioned inactivity.[6]

In fact, the Inquiry Panel was *appointed* on November 9, 1995 (Appendix 3a) at a time when clearly there was no "consent" to any inactivity on any basis but only a possibility of a "voluntary" temporary unconditioned inactivity in Maryland under an abandoned name in order to get a hearing as to the fourth and fifth order "effects" of the Respondent's fight against indirect, second and higher order, effects of alcohol.[7]

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[5] The Memorandum of October 18, 1995 refers to the conversation in which this proposal was discussed.

[6] *Ciaramell v. Reader's Digest Ass'n*, 1998 WL 765601 (2nd Cir. Dec. 15, 1997) articulated four factors for determining whether parties intended to be bound by settlement absent a document executed by both sides, all of which applied to this case to show there was no settlement, plea bargain, accepted proffer or waiver. (See *Fuentes, op. cit.)*

[7] The Memorandum of November 17, 1995 documents the lack of any kind of consent, in view of the guarantee to have a hearing before the Inquiry Panel.

The Respondent on November 21, 1995 rejected the offer of any conditional "consent" and required a proper definition of the role of the Court of Appeals. To this end, he expressed original authorship in a newly proposed, confidential document proposing abandonment of an abandoned name to insure his temporary, unconditioned voluntary inactivity only in Maryland under a bond of $800 for the limited purpose of insisting on testifying in a reinstatement hearing in which the Court of Appeals would take such other and further relief as the Court shall seem just and proper. This acievement would flow naturally, for example, from the effect of holding the abandoned name in custodia leges to prevent unreasonable annoyance, expense, embarrassment, disadvantage or other prejudice to the court or to the Respondent, and with zero danger to any clear and present danger to the public health and safety. Meanwhile, the option of any charges were independently dropped by the Inquiry Panel that had been appointed. The petitioner was never notified of any action by the Inquiry Panel.

In Bar Counsel's Response To Petitioner To Terminate Inactive Status And Other Relief under Maryland Rule BV14 (Now Maryland Rule 16-714), the defense to a reinstatement hearing is raised in paragraph 4 (Appendix 4b) by full faith and credit on the basis that the Petitioner is "suspended indefinitely from the practice of law in the District of Columbia effective July 29, 1996."

Bar Counsel additionally states in paragraph 7 (Appendix 4b) that there was a "consent" to inactive status, and that, "That consent was entered into prior to referring the matter to an Inquiry Panel."

However, the cited November 9, 1995 letter (Appendix 3a) clearly indicates that the Inquiry Panel was appointed on November 9, 1995 (Appendix 3a), which was long before the December 4, 1995 Order of unconditioned inactivity and/or the confidential, voluntary and unconditioned proposal for unconditioned, voluntary inactivity of the abandoned name Cornell D. Cornish upon which the December 4, 1995 Order was based by mistaken identity as to name, scope and disability. But for this false statement and ones like it, the recon-

sideration hearing would have not been twice refused to the great prejudice of the Petitioner.

In this connection, the first time a reinstatement hearing was refused was on February 7, 1996 on the basis of a false statement by Bar Counsel in his Response Of Attorney Grievance Commission To The "Request For Dissolution or Amendment of the Order of December 4, 1995 and Reinstatement of Attorney Suspended Because of Inability To Defend Himself." In that Response (Appendix 4a), in referring to the Petitioner, he stated in paragraph 3 that, "He signed his name to the consent as submitted to him . . .," when, in fact, the Petitioner denies ever jointly signing the "consent" submitted to him by Bar Counsel on October 18, 1995, or returning it "as submitted to him."

Paragraph 3 (Appendix 4a) was also inaccurate, false and misleading to the court in alleging that the Respondent raised no issue about his name since Bar Counsel had requested an assignment of the Respondent's invention by asking for an assignment, which the Respondent supplied in the name of Cornell D.M. Judge Cornish.

Additionally, while the Order of December 4, 1995 was under appeal, Bar Counsel with unclean hands and inequitable conduct palmed off on January 16, 1996 to the D.C. Bar Counsel as an originally co-signed "consent" a copy of the confidential November 21, 1995 proposal (Appendix 5a) to place the abandoned name Cornell D. Cornish in an temporary, voluntary, unconditioned status of inactivity in order to prevent unreasonable annoyance, expense, embarassment, disadvantage, or other prejudice to the court or the petitioner named in the heading. The document was not, however, originally signed by Bar Counsel as implied. It was in fact a counterfeit since paragraph "B" thereof was not authored or originally signed by Bar Counsel on or before the date appearing thereon, as he well knew, and was surreptitiously published without the consent or knowledge of the petitioner named in the heading so as to maliciously obtain his suspension in the District of Columbia.

Thereupon, the March 27, 1997 order of suspension in the District of Columbia was employed by full faith and credit in Maryland as a basis of their December 15, 1997 order refusing the petitioner's request for a reinstatement hearing. The result was to irrationally manufacture a consent to an unconditioned inactivity that avoids being put to the required proof of a disability. This permanently gags the attorney requesting reinstatement by prior restraint, and by targeting him for the unusual and involuntary servitude of banishment from the practice of law under an abandoned name whenever he petitions to testify in a reinstatement proceeding. And, upon proof of no other fact, this use of the full faith and credit command irrationally exposes him to conviction and punishment of permanent effective disbarment for asking to testify or for registering his famous trademark for the practice of law under Article 1, Section 8 and the First Amendment of the United States Constitution and Public Law 104-98. Deprivation of his civil rights, involuntary servitude, banishment, and cruel and unusual punishment results similarly merely for publishing his trademark in Maryland under Md. Ann. Code, BPO 10-602.[8]

OTHER MATERIAL FOR UNDERSTANDING CASE

The Court cannot simply amend its order placing petitioner on inactive status to include "and also known as," Cornell D.M. Judge Cornish, as alleged in paragraph 5 of Bar Counsel's December 11, 1997 "Response" (Appendix 4b), as this will enable the Court to continue to permanently bar him from receiving a reinstatement hearing in connection with a non-existing disability in an abandoned name for which he has never had any reinstatement hearing in any state, nor for which he has made any waiver of due process in any state. Instead, the Court must give him a reinstatement hearing in his correct name, which thereby cures any possible disability. This puts

[8] The Eighth and Thirteenth Amendments and the ex post facto clause bar such involuntary servitude, cruel and unusual punishment because of a manufactured disability. *Bailey v. Alabama*, 219 U.S. 219 (1911); *Civil Rights Cases*, 109 U.S. 3, 20, 23 (1883); and *North Carolina v. Harris*, 106 U.S. 629, 640 (1883).

the State to its proof that the petitioner is disabled in his correct name Cornell D.M. Judge, Cornish, since that is the only name and trademark under which these matters can and should be addressed (Appendix 7b). He was never admitted in Maryland under the name Cornell D. Cornish, so it would be inappropriate misleading and false to say that he is "also known as" Cornish D.M. Judge Cornish. (Appendix 7a)

These facts come within the two broad exceptions to the full faith and credit command enunciated in *Baker et al v. General Motors Corp.*, ____ U.S. ____ (1998) No. 96-653. The facts of this case are not burdened, therefore, by the well settled full faith and credit principle that is applicable to give effect to another State's judgement or order even when the law underlying those judgements or orders contravenes the public policy of the second State. *Baker et al v. General Motors Corp.*, ____ U.S. ____ (1988) No. 96-653.

Similarly, this Court has not had occasion to determine whether the full faith and credit command requires a State to enforce an order of a sister State that orders the doing of an act, namely the suspending of a name not inactivated in their State, and that, thus, remains on the rolls of attorneys. Neither has this Court enjoined the doing of that act or other acts, such as prohibiting all testimony in a rehearing procedure on the basis of a District of Columbia order that is so ambiguous as to any disability but a name.

Likewise, it would be unjust to enforce the foreign order where, as here, there was lack of due process, notice, meaningful opportunity to be heard, or opportunity to defend because of fraud, malice, mistaken identity and reckless disregard of the truth sequentially in two states. See Restatement (Second) of Conflict of Laws § 102 (2d. ed. 1995), comment c.

The U.S. Tax Court order of July 26,1996 (Appendix 2a), declined to give effect to the irrational Maryland Orders of December 4, 1995 and February 7, 1996, which were without due process, probable cause or any hearing whatsoever; the irrational D.C. order of temporary suspension filed April 15, 1996 in the abandoned name

absolutely without any hearing whatsoever, or their order of May 20, 1996 refusing to appoint counsel. The Tax Court also declined to give effect to the irrational order of suspension filed April 11, 1996 by the U.S. District Court for the Southern District of New York (Appendix 2b) absolutely without any hearing whatsoever, while there were continuous requests by the Respondent for hearings in which he could renunciate, repudiate and abjure consent, disability, waiver or culpability.

The religious name "JUDGE" which Maryland maliciously refuses to admit by reckless disregard of the truth, is from the bible. Another voluntarily abandoned name was used as a confidential security in lieu of and in anticipation of an $800 trial bond in Maryland. Now, petitioner is forced to recover his property wrongfully seized as contraband per se, and he challenges the prior restraint, dilution and blanket seizure of his famous common law mark, which uses the name "JUDGE," since it was adopted according to accepted religious practice, and is properly and truthfully used in directories, e.g., on the internet. *Reno v. ACLU*, ____ U.S. ____ (1997) No. 95-511.

His claim is that there is no rational connection between the ultimate fact presumed and the fact proved. *Barry v. Barchi*, 443 U.S. 565 (1979).[9] The *fact proved* is that, on December 4, 1995 Maryland, in anticipation of petitioner's voluntary inactivity of a first trademark and a $800 cash bond for security at trial, issued an Order of ***unconditioned inactivity*** captioned only against a first abandoned mark that could be held in custodia leges pending the conclusion of a trial in Maryland. The District of Columbia, in concert with Maryland, sent a show cause reciprocal disciplinary letter on December 21, 1995 captioned against the inactive mark.

The District temporarily ordered suspension and also seized the inactive abandoned mark in custodia leges on April 15, 1996 on the

[9] In *Barry v. Barchi, ibid.*, the fact presumed was that the defendant drugged a horse that tested positive for drugs. In this case there is no evidence whatsoever that the petitioner ever tested positive for drugs or alcohol of any kind.

perverse, per se, sua sponte reciprocal presumption that there was a personal disability without any hearing to determine the same. This was effectively a disbarment of the seized mark because obviously the mark could be held in custodia leges permanently without a hearing.

The District gave petitioner a show cause hearing on February 25, 1997 captioned against the abandoned mark without following § 13 of their rules for determining disability of the person and effectively permanently *suspended* him on March 27, 1997 on a presumption of disability under D.C. Bar R. XI, § 13(g). Also he was effectively permanently deprived of his famous mark by prior restraint of the good will and use of his famous common law mark that incorporates the name "JUDGE." A postdeprivation trial or hearing to vacate and strike the deprivation of petitioner's above-captioned famous mark was denied on May 6, 1997. The result is that the latter mark is also being permanently held in custodia leges as contraband per se. (Certiorari denied, Appendix 1f and 1g.)

The Order is unconstitutional under the equal protection and ex post facto clauses because it presumes that there are different kinds of "inactivity" in reciprocal cases than there are with a voluntary petition for inactivity. There is no condition on the "inactivity" in the Order and there is indication that the Order was other than a "voluntary inactivity."

The Maryland court's December 4, 1995 action is irrational because it is grossly unjust to inactivate a man's name without any stated reason. It disables a non-culpable, non-disabled attorney. Likewise, it is impossible for the Order to be followed by the Clerk of the Court who is directed to remove "the name of Cornell D. Cornish from the register of attorneys" in Maryland when no such name exists or ever existed on their attorney rolls.

The Maryland Order is irrational, because the alleged petition on its face clearly carried no original signature of Bar Counsel (Appendix 5a), so by definition it was impossible for it to be a "joint"

petition made and filed by regular procedures.[10] It was likewise impossible for the Maryland Court to have "acted in response to a petition filed jointly by the Attorney Grievance Commission and the respondent" or to have anyone come "before the Court on a Petition filed jointly by the Attorney Grievance Commission and the respondent," whose inactive mark appeared in the caption simply because it was being held in custodia leges pending further action because of abandonment of the same.

Furthermore, the prior restraint on speech by the permanent dilution of petitioner's famous mark is not narrowly tailored to achieve these objectives, since it applies to truthful speech that is substantially unlikely to have a materially prejudicial effect, is not neutral to preempted speech by a patent attorney, and permanently bars speech by prior restraint, it being impossible by the laws of physics for the fact proved, to support the fact presumed. The fact proved was that the Maryland Court of Appeals allowed a petitioner to be voluntarily inactivated, then switched the rules as sanctioned in *In re Ruffalo,* 390 U.S. 544. See also *Thanhauser v. Savins,* 44 Md. 410, which held that if the plaintiff's name is changed the party is changed as far as the reord is concerned; and no provision is made in Maryland for the misnomer of the plaintiff.

Petitioner alleges that Maryland's refusal to let the petitioner testify is unconstitutional under the 14th, 13th, 8th, 7th, 6th, 5th, 4th and 1st Amendments and the ex post facto clause of the U.S. Constitution. To this end, the Maryland pattern of refusals to let the petitioner testify before or after his order of inactivity, thus permits it "irreparably" and permanently to "sanction" a non-disabled attorney and seize his famous mark by prior restraint without a pre-suspension or a prompt post-suspension trial or hearing in violation of petitioner's right to due process and a jury trial under Public

---

[10] The rejected petition of October 18, 1995 is shown in Appendix 6a, which was never signed by petitioner.

The November 21, 1995 "petition" (Appendix 5a) was never originally signed by Bar Counsel; it was taken in part from the rejected October 18, 1995 petition of Appendix 6a.

Law 104-98 and otherwise. The courts appear to conclude without any stated reason that the difference between the procedures applicable to *contested* and *uncontested* reciprocal proceedings is unimportant and does not involve constitutional liability, nor necessitate "special care" or, per se, or even any, consideration of petitioner's constitutional or jurisdictional exceptions in connection therewith.

The petition for certiorari of the presuspension stage was denied on October 7, 1996 in *Cornish v. District of Columbia Court of Appeals, et al.*, No. 96-161, apparently in anticipation of *Gilbert v. Homar*, ____ U.S. ____ (1997) No. 96-651, decided June 90, 1997. In this Court now, the petitioner still adheres to his fundamental position that, as a constitutional matter, he is entitled to more process than he was given or can get, either before or after his predeprivation or his postdeprivation suspension was imposed or became effective or before or after his reinstatement petition was rejected out of hand by mistaken identity because of the full faith and credit command.

CONCLUSION

The petitioner respectfully submits that his petition for a *writ of certorari* to the Maryland Court of Appeals should be granted in view of the above.

Respectfully submitted,

Cornell D.M. Judge Cornish™
1101 New Hampshire Avenue, N.W.
Suite 301
Washington, D.C. 20037
(202) 429-9705

Attorney Pro Se/Pro Hac Vices
Admitted to the Bar of New York State, The Supreme Court of the United States, The Court of Appeals for the Federal Circuit, the U.S. Tax Court, and the U.S. District Court for the Eastern District of New York

March 12, 1998

CORNELL D.M. JUDGE CORNISH Petitioner	*	In the Court of Appeals
	*	Of Maryland
v.	*	Misc. Docket AG
	*	No. 65,
ALEXANDER L. CUMMINGS,	*	September Term, 1997
CT. CLERK JANET MOSS,	*	
ADMINISTRATOR, CLIENTS'	*	
SECURITY TRUST FUND AND	*	
MELVIN HIRSHMAN, BAR	*	
COUNSEL	*	
Respondents	*	

ORDER

The Court having considered the petitioner to terminate inactive status and other relief and the response of the Attorney Grievance Commission filed thereto, it is this 15th day of December, 1997

ORDERED, by the Court of Appeals of Maryland, that the petition to terminate inactive status and other relief be, and the same is hereby, DENIED.

/s/ROBERT M. BELL
CHIEF JUDGE

APPENDIX

Notice: This opinion is subject to formal revision before publication in the Atlantic and Maryland Reporters. Users are requested to notify the Clerk of the Court of any formal errors so that corrections may be made before the bound volumes go to press.

District of Columbia Court of Appeals

No. 95-BG-1830

IN RE CORNELL D.M. JUDGE CORNISH,

RESPONDENT.

A Member of the Bar of the
District of Columbia Court of Appeals

On Report and Recommendation of the
Board on Professional Responsibility

(Argued February 25, 1997 Decided March 27, 1997)

Cornell D.M. Judge Cornish, pro se.

Michael S. Frisch, Senior Assistant Bar Counsel, with whom *Leonard H. Becker*, Bar Counsel, was on the brief, for petitioner, the Office of Bar Counsel.

Before FERREN, STEADMAN and SCHWELB, *Associate Judges*.

PER CURIAM: On December 4, 1995, the Court of Appeals of Maryland ordered that respondent[1] be placed on inactive status from the practice of law. *Attorney Griev. Comm'n v. Cornish*, 667 A.2d 916 (Md. 1995). The Maryland court acted in response to a petition filed jointly by the Attorney Grievance Commission and the respondent. The petition stated, *inter*

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[1] All prior proceedings both in Maryland and here have identified respondent as Cornell D. Cornish. Respondent has submitted to us an order of the Superior Court filed September 13, 1990, formally granting respondent's petition to change his name from Cornell D. Cornish to Cornell D.M. Judge Cornish. Without objection by Bar Counsel, we have changed the formal caption of this case accordingly. In light of this opinion, all other pending motions, both pre-argument or post-argument, are dismissed as moot.

alia, that at the time, "a complaint was pending against Respondent concerning the handling of a patent application"[2] and that "Respondent admits that at the present time he is unable and has no desire to cope with the demands of the practice of law."

On April 15, 1996, pursuant to D.C. Bar R. XI, § 11(d), this court temporarily suspended respondent from the practice of law in the District of Columbia pending a recommendation from the Board on Professional Responsibility. We now have before us the recommendation of the Board that this court impose reciprocal discipline of indefinite suspension with reinstatement conditioned upon a showing of fitness, pursuant to D.C. Bar R. XI, § 13(g).

We have consistently taken this course of action in reciprocal proceedings involving the imposition of inactive status by court order in Maryland pursuant to a joint petition as in this case. *In re Dick*, 683 A.2d 159 (D.C. 1996); *In re Clancy*, 675 A.2d 493 (D.C. 1996); *In re O'Brien*, 665 A.2d 662 (D.C. 1995); *In re Samuels*, 648 A.2d 943 (D.C. 1994).

It is true that in *In re Samuels*, the order placing that attorney on inactive status contained an explicit provision conditioning reinstatement upon a showing "that he has been restored to good health and is capable of engaging in the competent practice of law." *Attorney Griev. Comm'n v. Samuels*, 616 A.2d 903 (Md. 1992). The Maryland order before us placing respondent on inactive status does not include any such explicit condition, *Attorney Griev. Comm'n v. Cornish*, 667 A.2d 916 (Md. 1995). We note, however, that the orders involved in *Attorney Griev. Comm'n v. Dick*, 664 A.2d 1263 (Md. 1995), *Attorney Griev. Comm'n v. Clancy*, 649 A.2d 356 (Md. 1994), and *Attorney Griev. Comm'n v. O'Brien*, 632 A.2d 767 (Md. 1993), each of which formed the basis for the reciprocal action here, contained no explicit conditions upon rein-

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[2] The petition further stated that "Respondent has taken steps to resolve that matter."

statement. In all of those cases, as in respondent's, the Maryland Court of Appeals simply ordered inactive status in accordance with Maryland Rule 16-713 (then BV13). It appears that under Maryland Rule 16-714, such an order may be modified or terminated only by a petition filed in the Court of Appeals which must "set forth facts showing that the petitioner is rehabilitated and is otherwise entitled to the relief sought."

Accordingly, in each of our cases cited above, we provided that reinstatement should be governed by the terms of D.C. Bar R. XI, § 13(g). Consistent with these precedents, the Board has recommended that respondent's reinstatement in the District of Columbia be likewise governed by the terms of D.C. Bar R. XI, § 13(g). Under that subsection, an attorney suspended for disability may apply for reinstatement "once a year or at such shorter intervals as the Court may direct in its order of suspension or any modification thereof." The Board recommended that the one-year period run from the date respondent filed an affidavit pursuant to D.C. Bar R. XI, § 14(g).

We were advised by Bar Counsel at oral argument that respondent had filed such an affidavit on July 29, 1996. With respect to the time within which respondent may apply for reinstatement, we note that the Maryland rules appear to impose no minimum period within which reinstatement may be sought by one placed on inactive status by court order. We were advised at oral argument that respondent may soon seek reinstatement in Maryland. Should such reinstatement occur prior to the expiration of the one-year period here, respondent may move for a modification of the time period for reinstatement here as provided in § 13(g).[3]

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3 Although our rules are not entirely clear, in our prior orders cited above dealing with the effect here of Maryland inactive status impositions, we appear to have interpreted § 13(g) as making an attorney eligible for reinstatement only after a year has passed, absent court order shortening that interval, and to measure that

(Footnote continued on next page.)

Accordingly, it is ORDERED that respondent is hereby suspended indefinitely from the practice of law in the District of Columbia *nunc pro tunc* to July 29, 1996. Reinstatement shall be governed by the terms of D.C. Bar R. XI, § 13(g).

A true Copy
Test:
Garland Pinkston, Jr.
Clerk of the District of Columbia Court
of Appeals
BY
DEPUTY CLERK

---

3 (Continued)

period dependent upon the filing of the affidavit required by § 14(g). We follow that practice here without further examination of the issues, since as indicated reinstatement here will presumably be dependent in the first instance upon action in Maryland and the time period here could be correspondingly shortened in that eventuality. Although following the entry of the Maryland order respondent filed an affidavit pursuant to *Matter of Goldberg*, 460 A.2d 982 (D.C. 1983), following his subsequent suspension here he did not timely file a § 14(g) affidavit, a precondition to *Goldberg* retroactivity. See § 16(c); *In re Slosberg*, 650 A.2d 1329 (D.C. 1994).

APPENDIX

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND 100 Community Place Suite 3301 Crownsville, Maryland 21032 Petitioner	*	IN THE COURT OF APPEALS OF MARYLAND Misc. Docket (Subtitle BV) No. 39 September Term, 1995
v.	*	
CORNELL D. CORNISH 1101 New Hampshire Ave., N.W. Suite 301 Washington, D.C. 20036 Respondent	*	RECEIVED Dec 5 1995 Attorney Grievance Commission

ORDER

This matter came before the Court on a Petition filed jointly by the Attorney Grievance Commission and the respondent, Cornell D. Cornish, for the respondent to be placed on inactive status. The Court having considered the Petition, it is this 4th day of December, 1995,

ORDERED, by the Court of Appeals of Maryland, that the Petition for Inactive Status be and it is hereby GRANTED, and the respondent shall be placed on inactive status from the practice of law, and it is further

ORDERED, that the Clerk of this Court shall remove the name of Cornell D. Cornish from the register of attorneys in this Court and certify that fact to the Trustees of the Clients' Security Trust Fund and the clerks of all judicial tribunals in this State in accordance with Rule BV13.

/s/ ROBERT C. MURPHY
CHIEF JUDGE

APPENDIX

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND	*	In the
	*	Court of Appeals
	*	of Maryland
Petitioner	*	Misc.Docket
v.	*	(Subtitle BV)
CORNELL D. CORNISH	*	No. 44
Respondent	*	September Term 1995

ORDER

The Court having considered the request for dissolution or amendment of inactive status of respondent and the response filed thereto by the Attorney Grievance Commission, it is this 7th day of February, 1996,

ORDERED, by the Court of Appeals of Maryland, that the request for dissolution or amendment of inactive status be, and it is hereby, **DENIED.**

/s/ ROBERT C. MURPHY
CHIEF JUDGE

DISTRICT OF COLUMBIA
COURT OF APPEALS

FILED
May 6, 1997
COURT OF APPEALS

No. 95-BG-1830

IN RE: CORNELL D.M. JUDGE CORNISH,
Respondent.
BDN: 507-95

BEFORE: Ferren, Steadman and Schwelb, Associate Judges.

O R D E R

On consideration of respondent's request to reconsider and vacate the order of March 27, 1997, construed as a petition for rehearing, it is

ORDERED that the Petition for rehearing is denied.

PER CURIAM

Copies to:

Cornell D.M. Judge Cornish
1101 New Hampshire Avenue, N.W.
Suite 301
Washington, D.C. 20037

Karen K, Christensen, Esquire
Chair
Board of Professional Responsibility
515 Fifth Street, N.W. Room 101
Washington, D.C. 20001

Leonard H. Becker, Esquire
Bar Counsel
Office of Bar Counsel
515 Fifth Street, N.W., Room 127
Washington, D.C. 20001

emb

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

October 6, 1997

Mr. Cornell D. Cornish
Suite 301
1101 New Hampshire Ave., NW
Washington, D.C. 20037

Re: Cornell D. Cornish
v. District of Columbia Board on Provessional Responsibility
No. 97-198

Dear Mr. Cornish:

The Court today entered the following order in the above entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

/s/ William K. Suter

William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

December 1, 1997

Mr. Cornell D. Cornish
Suite 301
1101 New Hampshire Ave., NW
¼washington, DC 20037

Re: Cornell D. Cornish
v. District of Columbia Board on Professional Responsibility
No. 97-198

Dear Mr. Cornish:

The Court today entered the following order in the above entitled case:

The petition for rehearing is denied.

Sincerely,

/s/ William K. Suter
William K. Suter, Clerk

APPENDIX

UNITED STATES TAX COURT
WASHINGTON, DC 20127

In re: Cornell Daniel Cornish

ORDER

Upon due consideration of his appearance before the Committee on Admission, Ethics and Discipline on April 16, 1996, it is

ORDERED: That the Order to Show Cause to Cornell Daniel Cornish dated January 17, 1996 is hereby discharged.

(Signed John O. Colvin

John O. Colvin, Judge
Committee on Admissions,
Ethics and Discipline

Dated: July 26, 1996
Washington, D.C.

APPENDIX

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Filed April 11, 1996

In the Matter of	
Cornell D.M. Judge Cornish Suite 301 1101 New Hampshire Ave., NW Washington, D.C. 20037	M-2-238 ORDER
Respondent	

Pursuant to General Rule 4(e) of this Court, on February 21, 1996, an Order to Show Cause was served on respondent, Cornell D. Cornish, directing him to show cause by March 22, 1996 why he should not be disciplined by this court pursuant to General Rule 4(g).

This Court has received a submission from respondent in which he advises this Court that he has changed his name from Cornell D. Cornish to Cornell D.M. Judge Cornish. This Order reflects respondent's name change. Further, respondent acknowledges that he has ceased practice in this Court until he is reinstated in the State of Maryland.

Rule 4(g) provides that discipine imposed pursuant to Rule 4(e) may consist of suspension, censure, or in the case of an attorney who is a member of the bar of this Court, it may consist of striking the name of the attorney from the roll.

Therefore, it is hereby directed that respondent Cornell D.M. Judge Cornish be suspended in this court until such time as he is reinstated to practice in the State of Maryland.

SO ORDERED.

ROBERT P. PATTERSON, JR.
Chairman, Grievance Committee S.D.N.Y.

Dated: New York, New York
April 3, 1996

MAILED ON 4/3/96

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

HARRY K. WOLPOFF
CHAIRMAN

INQUIRY COMMITTEE

PLEASE REPLY TO
HARRY K. WOLPOFF
7072 WISCONSIN AVENUE
4th FLOOR
BETHESDA, MD 20814-4838

November 9, 1995

PERSONAL AND CONFIDENTIAL

Christopher P. Brown, Esq., Chairman
7420 Balt-Annapolis Blvd
Glen Burnie, MD 21951
78-1880

RE: File No.: 96-35-00-5
Complainant:
Respondent: Cornell Cornish, Esquire

Dear Mr. Brown:

As Chairman of the Inquiry Committee of the Attorney Grievance Commission, I hereby appoint you as Chairman and the following as members of a Panel in the above matter to act pursuant to Rule BV6D:

Judith Billage, Esq.
1833 Forest Drive, S-B
Annapolis, MD 21401
263-8411

Mr. Jean F. Carlton
500 Polling House Road
Harwood, MD 20776
867-3339

A quorum for your panel proceedings shall be three (3).

Upon receipt of this letter, Bar Counsel will forward the file to you. It is recommended that you proceed in the following manner:

1. Within 15 days of receipt of the file, your Panel must determine whether the complaint should be dismissed without a Hearing or proceed to a Hearing. In the ordinary case, a

meeting of the Panel shall be convened within the 15 day period to discuss dismissal or hearing pursuant to Administration and Procedural Guideline §5-102(b). In the event that the Panel determines that the investigation is incomplete, it may request additional investigatory services through the office of Bar Counsel.

2. As soon as the Panel determines to proced with a Hearing, prompt notice of not less than 15 days shall be forwarded to the respondent, again stating the nature of the complaint filed against him, and further advising him of the date, time, and place of the hearing. He shold be advised on his right to be represented by Counsel of his choice, to cross-examine witnesses and to present evidence in his behalf. He should also be informed that the hearing will be conducted, pursuant to the BV Rules and Inquiry Committee's Rules of Procedure, will commence at a time set by the Panel, and will continue until its conclusion except under extraordinary circumstances.

3. In the ordinary case, it is anticipated that the Hearing will be completed within 45 days from the date that the file is received by you pursuant to Administrative and Procedural Guidelines §5-104. An extension of time for the preliminary determination or the hearing date may be approved by the Panel Chairman, with the concurrence of the Vice Chairman for your district, or, in the alternative, by the undersigned as Chairman of the Inquiry Committee. Any further exensions may only be granted by the undersigned, (Guideline §5-104).

4. It is recommended that the Panel prepare its findings of fact and recommendations immediately following presentation of all of the evidence. The Panel should retain the reporter in the room after the witnesses have departed and dictation orally to the reporter their findings and recommendations if possible and have the reporter transcribe that portion of the

record which would then constitute their report or form a basis upon which their report can be written (Guideline §5-309). The Panel shall file within 15 days with Bar Counsel (Attorney Grievance Commission of Maryland, 100 Community Place, Suite 3301, Crownsville, Maryland 21032-2027) its recommendation, in the prescribed form, the reasons therefor, and any evidence taken in the proceedings. Any member of the Panel who disagrees with the recommendations of the majority may file a written minority report with Bar Counsel (Guideline §5-402).

It is recommended that Panel members review the procedural bulletins issued by the Attorney Grievance Commission and the BV Rules, especially BV6d, in the Maryland Rules of Procedure for further guidance and information.

At the same time your final report is sent to Bar Counsel, please fill in the attached Final Memo form and mail it to the undersigned.

Very truly yours,

ATTORNEY GRIEVANCE COMMISSION

BY: /s/
Harry K. Wolpoff, Chairman
Inquiry Committee

HKW/mdh

cc: Melvin Hirshman, Esq., Bar Counsel

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

HARRY K. WOLPOFF
CHAIRMAN

INQUIRY COMMITTEE

PLEASE REPLY TO
HARRY K. WOLPOFF
7272 WISCONSIN AVENUE
4TH FLOOR
BETHESDA, MD 20814-4838

Dated: _____

FINAL MEMO TO THE CHAIRMAN, INQUIRY COMMITTEE

RE: Docket Number: _____
Complainant: _____
Respondent: _____

Name and address of Panel Chairman:

_____
_____
_____

Name and address - Members of Panel taking part in final decision:

Date file received from Bar Counsel _____
Date first meeting of panel: _____
Date hearings were scheduled: _____
Dates hearing took place: _____
Date final report sent to Bar Counsel: _____

Conclusion of Panel (Check appropriate lines(:

____ Recommend Dismissal BVd4(a)(i)(i)
____ Recommend Dismissal with a Warning BV6d4(a)(i)(i)
____ Recommend a Reprimand pursuant to Rule BV6d4(a)(ii)
____ Recommend charges be filed against attorney BV6d4(a)(iii)
____ A minority report was also filed BV6d4(b)

BY:_____
Chairman, Inquiry Panel

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND	* IN THE * COURT OF APPEALS * OF MARYLAND
v.	* Misc. Docket
CORNELL D. CORNISH	* (Subtitle BV) * No. 30 * Sept. Term, 1995

REPONSE OF THE ATTORNEY GRIEVANCE COMMISSION TO THE "REQUEST FOR DISSOLUTION OR AMENDMENT OF ORDER OF DECEMBER 4, 1995 AND REINSTATEMENT OF ATTORNEY SUSPENDED BECAUSE OF INABILITY TO DEFEND HIMSELF"

The Attorney Grievance Commission of Maryland, by Melvin Hirshman, Bar Counsel, response to the Petitioner's request, and states to the Court as follows:

1. On August 10, 1995 a complaint file was opened in which it was alleged that the Respondent had been paid $10,000.00 as a patent attorney and placed his name as a co-inventor on his client's patent application.

2. In the 1995 Martindale-Hubbell Directory Mr. Cornish is listed as "of counsel" to the firm of Mason & Associates in Clearwater, Florida. His director listing carries the name "Cornell D. Cornish".

3. An Inquiry Panel was appointed on November 9, 1995 to hear the complaint against him. Through counsel, Thomas C. Wilson, Esquire of the District of Columbia law firm of Ceyfarth, Shaw, Fairweather and Geraldson, Mr. Cornish entered into a consent to inactive status. He failed, at that time, to raise the issue that his name had been changed from "Cornell D. Cornish" to Cornell D.M. Judge Cornish" although he is one in the same person. An amendment to the order placing him on inactive status under his name change would be a ministerial act by the Court. *He signed his name to the consent as submitted to him, and raised no issue about his name.*

4. In his reply to the complaint to Bar Counsel on September 5, 1995, he stated as follows: "I believe that the underlying issue in Mr. Cassidy's complaint is my heart disease and the effects of alcohol in my life. Accordingly, I am withdrawing from the practice of law in what I hope to be an orderly fashion, but with great remorse so that I can seek rehabilitation." Further, on September 30, 1995 the Petitioner stated in a letter to Bar Counsel: "I still believe an underlying issue in Mr. Cassidy's complaint that I wish to put my name as a co-inventor to his 'idea' since my rehabilitation from these diseases demand more of my time than Mr. Cassidy will allow. Indeed, these diseases have recently made even more demands on my time since I am now a group representative and an alternate delegate to the Alanon Family Groups . . ." In the penultimate paragraph of that letter of September 30, 1995 Petitioner stated: "Also, I hope with great remorse to continue my rehabilitation for heart disease that began shortly after my quadruple, coronary artery, bypass operation on July 22, 1982, and my rehabilitation from th effects of alcohol that began shortly after August 6, 1987."

5. The matter was assigned for investigation and an investigator spoke with the Petitioner. In a conversation on October 17, 1995, the Petitioner stated to Bar Counsel that he was willing to sign a consent to inactive status since, he indicated, he didn't want to practice anymore.

6. The District of Columbia Court of Appeals, based on his consent to inactive status in Maryland, has taken action to place Mr. Cornish on inactive status. He is currently opposing those proceedings. Assistant Bar Counsel for the District of Columbia is filing a response to the Petitioner's pleadings in the District of Columbia Court of Appeals.

7. It is patent that Bar Counsel did not "by duress or other-

wise", deny the Petitioner notice of the misconduct, time to obtain counsel (which in fact he did) and Bar Counsel allowed the Petitioner to make a response to the complaint.

8. Petitioner's citation to his rights under the Unied States Constitution are misplaced. there has been no violation of any of his rights.

WHEREFORE, the Attorney Grievance Commission of Maryland prays action of the Court as follows:

1. That the Court deny the "Request" of the Petitioner.

2, That the Court amend its Order placing the Petitioner on inactive status to his name "Cornell D.M. Judge Cornish."

3. That the Court take such other action as to the Court shall seem just and proper.

/s/ Melvin Hirshamn
Melvin Hirshman
Bar Counsel
Attorney Grievance Commission
of Maryland
100 Community Place
Suite 3301
Crownsville, MD 21032-2027
PHONE: 410-514-7051
800-492-1660

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foreging Answer was mailed postage prepaid this 16th day of January 1996 to Cornell D.M. Judge Cornish, Suite 301 1101 New Hampshire Avenue, N.,W., Washington, D.C. 20037.

/s/ Melvin Hirshman
Melvin D. Hirshman
Bar Counsel

CORNELL D.M. JUDGE CORNISH	* IN THE
	* COURT OF APPEALS
Petitioner	* OF MARYLAND
	*
v.	* No. 65
	*
ALEXANDER L. CUMMINGS,	* September term, 1997
	*
CT CLERK	*
	*
JANET MOSS, ADMINISTRATOR	*
	*
CLIENTS' SECURITY	*
TRUST FUND	*
	*
AND MELVIN HIRSHMAN, BAR	*
	*
COUNSEL	*
Respondents	

REPONSE TO PETITION TO TERMINATE INACTIVE STATUS AND OTHER RELIEF

Comes now, Melvin Hirshman, Bar Counsel and states to the Court as follows:

1. Petitioner seeks an injunction, declaratory relief, and a jury trial. Relief of this nature is reviewed by the Court of Appeals only in its jurisdiction as an appellate court.

2. Maryland Rule 2-303 sets forth the requirements of a pleading. The averments in the petition violate this rule.

3. Petitioner refers to former Rule BV14, now Maryland Rule 16-714. That rule provides for a petition seeking termination of inactive status or for reinstatement. It does *not* encompass relief seeking mandamus, declaratory relief or injunctive relief.

4. In paragraph 1 of the petition, Petitioner alleges that he

is "an active member of the bar." He is, in fact, in addition to being on inactive status with this court suspended indefinitely from the practice of law in the District of Columbia effective July 29, 1996, said suspension continuing to the present time.

5. Petitioner alleges that by changing his name any action concerning his status as an attorney is valid only against his prior name. Petitioner fails to realize that the actions taken against him were as an individual regardless of the name he uses. To the extent Petitioner is concerned about his new name, the court can amend its order placing Petitioner on inactive status to include "and also known as", Cornell D.M. Judge Cornish.

6. Respondent, Melvin Hirshman, denies the allegations of paragraph 10 of the petition.

7. Respondent, Melvin Hirshman, in response to the second claim of the petition, paragraphs 16 through 23, states that the Petitioner was represented by counsel at the time of his placement on inactive status. That consent was entered into prior to referring the matter to an inquiry Panel. Petitioner was denied no rights which he asserts were violated in his second claim.

8. Respondent, Melvin Hirshman, denies the allegations in the third and fourth claims in the petition.

9. With respect to the fifth claim of the petition, Respondent, Melvin Hirshman, denies the allegations. Bar Counsel has been completely cooperative with the Petitioner in showing him any records concerning him which were available. He was advised that one record was unavailable since the search of Commission files concerning BC Docket No. 83-175-00-5 could not be located in the Maryland State Archives where closed files of the Commission are stored.

10. Finally, it does not appear that the Petitioner's claims involving the Clerk of this Court and the Administra-

tor of the Clients' Security Trust Fund set forth any viable cause of action for relief.

WHEREFORE, Respondent, Melvin Hirshman, prays:

1. That the petition be denied.

2. That the Court grant such other and further relief as the nature of the case may require.

/s/Melvin Hirshman

Melvin Hirshman
Bar Counsel

Attorney Grievance Commission
of Maryland
100 Community Place, Suite 3301
Crownsville, MD 21032-2027
PHONE: 410-514-7502
800-492-1660

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Response was mailed, postage prepaid, this 11th day of December, 1997 to Cornell D.M. Judge Cornish, Suite 301, 1101 New Hampshire Avenue, N.W., Washington, D.C. 20037, Petitioner, and to Alexander L. Cummings, Clerk of the Court of Appeals of Maryland, 361 Rowe Boulevard, Annapolis, Maryland 21401 and to Janet Moss, Administrator of the Clients' Security Trust Fund of Maryland, Suite 204, 1610 West Street, Annapolis, Maryland 21401.

/s/ Melvin Hirshman

Melvin Hirshman
Bar Counsel

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND 100 Community Place Suite 3301 Crownsville, Maryland 21032 Petitioner	* IN THE * COURT OF APPEALS * OF MARYLAND * * Misc.Docket * (Subtitle BV) * No. 34 *
v,	*
CORNELL D. CORNISH 1101 New Hampshire Avenue N W., Suite 301 Washington, D.C. 20037	*

CONSENT TO INACTIVE STATUS

Comes now the Petitioner, the Attorney Grievance Commission of Maryland, and Respondent, Cornell D. Cornish, and jointly petition this Court to permit the Respondent to be place on inactive status.

1. Respondent was admitted to the Maryland bar on November 9, 1956.

2. A complaint is pending against Respondent concerning the handling of a patent application and Respondent has taken steps to resolve the matter.

3. During the course of our investigation Respondent has advised that he does not actively engage in practice, occasionally takes some "pro bono" work, but that he suffers lasting affects from open heart surgery in 1982 and he goes to rehabilitation every day and, rests for some time thereafter. In addition he participates in Al Anon attending three (3) or four (4) meetings a week as well as meeting with a sponsor.

4. Resopndent is 66 years of age and currently draws Social

Security and a pension from his employment with the federal government.

5. Respondent admits that at the present time he is unable and has no desire to cope with the demands of the practice of law and agrees that it is in his best interest to be placed on inactive status.

WHEREFORE, Petitioner and Respondent pray:

A. That Respondent be placed on inactive status by this Court.

B. This Court take such other and further relief as to the Court shall seem just and proper in this cause.

/s/ Cornell D. Cornish
Cornell D. Cornish, Esq.
1101 New Hampshire Ave.,
N.W., Suite 301
Washington, D.C. 20036

/s/ Melvin Hirshman
Melvin Hirshman
Bar Counsel
Attorney Grievance
Commission of Maryland
100 Community Place
Suite 3301
Crownsville, MD 21032

11/21/95
Date

APPENDIX

IN THE COURT OF APPEALS OF MARYLAND
Misc.Docket (Subtitle BV)
No. ____
September Term, 1995

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND
100 Community Place
Suite 3301
Crownsville, Maryland 21032

Petitioner

v.

CORNELL D. CORNISH
1101 New Hampshire Avenue, N.W., Suite 301
Washington, D.C. 20037

CONSENT TO INACTIVE STATUS

Comes now the Petitioner, the Attorney Grievance Commission of Maryland, and the Respondent, Cornell D. Cornish, and jointly petition this Court to permit the Respondent to be placed on inactive status.

1. Respondent was admitted to the Maryland bar on November 9, 1956.

2. A complaint is pending against Respondent concerning the handling of a patent application and Respondent has taken steps to resolve that matter.

3. During the course of our investigation Respondent has advised that he does not actively engage in practice, occasionally take some "pro bono" work, but that he suffers lasting affects from open heart surgery in 1982 and he goes to

rehabilitation every day and, rests for some time thereafter. In addition he participates in Al Anon attending three (3) or for (4) meetings a week as well as meeting with a sponsor.

4. Respondent is 66 years of age and currently draws Social Security and a pension from his employment with the federal government.

5. Respondent admits that at the present time he is unable and has no desire to cope with the demands of the practice of law and agrees that it is in his best interest to be placed on inactive status.

WHEREFORE, Petitioner and Respondent pray:

A. That Respondent be placed on inactive status by this Court.

B. This Court that such other and further relief as to the Court shall seem just and proper in this cause.

	illegible
Cornell D. Cornish, Esq. 1101 New Hampshire Ave., N.W., Suite 301 Washington, D.C. 20037	Melvin Hirshman Bar Counsel Attorney Grievance Commission of Maryland 100 Community Place Suite 3301 Crownsville, Maryland 21032

Date

ATTORNEY GRIEVANCE COMMISSION OF MARYLAND 100 Community Place Suite 3301 Crownsville, Maryland 21032 Petitioner	* IN THE * COURT OF APPEALS * OF MARYLAND * * Misc.Docket * (Subtitle BV) * No. ____ * September Term, 1995
v.	*
CORNELL D. CORNISH 1101 New Hampsire Avenue, N.W. Suite 301 Washington, D.C. 20036	*

ORDER

This matter came before the Court on a Petition filed jointly by the Attorney Grievance Commission and the Respondent, Cornell D. Cornish, for the Respondent to be placed on inactive status. The Court having considered the Petition it is this _____ day of _____, 1995,

ORDERED, that the Petition for Inactive Status be and it is hereby granted. It is further,

ORDERED, that the clerk of this Court shall remove the name of Cornell D. Cornish from the register of attorneys in this Court and certify that fact to the trustees of the Clients' Security Trust Fund and the clerks of all judicial tribunals in this State in accordance with Rule BV13.

_____

Judge

APPENDIX

Court of Appeals of Maryland
Courts of Appeal Building
Annapolis, MD. 21401-1699

Alexander L. Cummings
Clerk

ROBERT C. FRANKE
CHIEF DEPUTY
MARY J. JONES
BESIE M. DECKER
JACQUELINE L. HUGHES
DEPUTIES

974-3341
WASHINGTON AREA 261-2999

July 9, 1991

Cornell D.M. Judge Cornish, Esquire
Attorney at Law
1101 New Hampshire Avenue, N.W., Suite 301
Washington, D.C. 20037

Re: Name Change

Dear Mr. Cornish:

Receipt is acknowledged of your letter of July 4, together with a true test copy of your change of name. We have this date changed your name on our records from C. Daniel Cornish to that shown above and are notifying the Clients' Security Trust Fund to do the same. Your decree must be kept on file by this office.

Very truly yours,

/s/ Alexander L. Cummings

Clerk

ALC/mjj
cc: Clients' Security Trust Fund
Maryland State Bar Association

APPENDIX

FILED
SEP 13 1990
Superior Court
of the District of Columbia
Washington, DC

Superior Court of the District of Columbia
Civil Division

ORDER FOR CHANGE OF NAME

IN RE: Cornell D. Cornish

C.A. No. 90-CA-08850

COMPLETE NAME OF APPLICANT: Cornell D. Cornish

Upon consideration of the application for the change of name filed herein and no objections having been made and proof of publication having been made and filed herein, and all other requirements appear having been met, it is this 13th day of September, 1990,

ORDERED BY THE COURT that the said application be and hereby is granted, and it is further,

ORDERED BY THE COURT that henceforth and hereafter Cornell D. Cornish be known as Cornell Daniel Michael Judge Cornish

/s/ illegible

JUDGE

JULY 11, 1991
illegible